

Notice of Allowability

Application No.

09/854,304

Examiner

Walter F. Briney III

Applicant(s)

BERNARDI ET AL.

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12 December 2006.
2. ☒ The allowed claim(s) is/are 1-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 1-33 are allowed.

Claim 1 is limited to *a system for sensing and compensating for at least one error signal.*

Reviewing the specification and applicant's remarks in the pre-brief conference request, evinces that the limitation *produce, from the audio signals of both first and second microphones, an error signal* requires use the two microphones at the same time, which is not disclosed, taught or suggested by the prior art cited. *See Pre-Brief Conference Request* at 2 ("However, each independent claim clearly recites that the error signal is generated from audio signals transduced by the first and second microphones. Such language clearly requires that signals from the first and second microphones be used in generating the error signal. No further specification of "simultaneous" use of the audio signals from the first and second microphones is needed to establish that the position estimation circuit uses signals from both the first and second microphones to generate the error signal. Thus, claim 1 is allowable over the cited prior art."). Thus, claim 1 is allowable over the cited prior art.

Claim 19 is limited to *a system for controlling a directional response of at least one of a first a microphone and a second microphone.* Reviewing the specification and applicant's remarks in the pre-brief conference request, evinces that the limitation *produce, from the audio signals of both first and second microphones, an error signal* requires use the two microphones at the same time, which is not disclosed, taught or suggested by the prior art cited. *See Id.* Thus, claim 19 is allowable over the cited prior art.

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Claim 22 is limited to *a method of controlling a directional response of at least one of a first and second microphones*. Reviewing the specification and applicant's remarks in the pre-brief conference request, evinces that the limitation *detecting an error signal amongst the audio signals from both first and second microphones* requires use the two microphones at the same time, which is not disclosed, taught or suggested by the prior art cited. *See Id.* Thus, claim 22 is allowable over the cited prior art.

Claim 28 is limited to *a method of sensing and compensating for an error*. Reviewing the specification and applicant's remarks in the pre-brief conference request, evinces that the limitation *detecting an error signal amongst the audio signals associated with both the first and second microphones* requires use the two microphones at the same time, which is not disclosed, taught or suggested by the prior art cited. *See Id.* Thus, claim 28 is allowable over the cited prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



SINH TRAN
SUPERVISORY PATENT EXAMINER

/wfb/
10/29/07